WISCONSIN STATE LEGISLATURE
COMMITTEE HEARING RECORDS

2003-04
(session year)

Assembly
(Assembly, Senate or Joint)

Committee on Campaigns & Elections (AC-CE)

File Naming Example:

Record of Comm. Proceedings ... RCP
- 05hr_AC-Ed_RCP_pt01a
- 05hr_AC-Ed_RCP_pt01b
- 05hr_AC-Ed_RCP_pt02

Published Documents

- Committee Hearings ... CH (Public Hearing Announcements)
- **

- Committee Reports ... CR
- **

- Executive Sessions ... ES
- **

- Record of Comm. Proceedings ... RCP
- **

Information Collected For Or Against Proposal

- Appointments ... Appt
- **

- Clearinghouse Rules ... CRule
**

- Hearing Records ... HR (bills and resolutions)
- **03hr_ab0386_AC-CE_pt01**

- Miscellaneous ... Misc
- **

WISCONSIN EDUCATION ASSOCIATION COUNCIL

Affiliated with the National Education Association

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Testimony to the Assembly Committee on Campaigns and Elections in Opposition to Assembly Bill 386, the "Stand By Your Ad" Bill

Bob Burke
Legislative Program Coordinator
Wisconsin Education Association Council

July 24, 2003

The Wisconsin Education Association Council (WEAC) supports campaign finance reforms that are comprehensive, equitable and practical. WEAC further believes the reforms must respect the constitutional rights of Wisconsin citizens.

In recent years, WEAC has supported many campaign finance reform proposals that are consistent with these important principles. They include the recommendations of Governor Thompson's Blue Ribbon Commission on Campaign Finance Reform, also known as the Kettl Commission proposal; 2001 Assembly Bill 843, a comprehensive plan that passed the State Assembly on an 87-12 vote; and the Impartial Justice bill, which would provide full public financing for Wisconsin Supreme Court candidates.

WEAC has also opposed proposals that are inconsistent with these principles. For example, WEAC opposed a provision in last session's budget repair bill (Act 109) that required prior reporting of independent expenditures. The provision was challenged in court and, as expected, was found unconstitutional. Because the provision was so clearly unconstitutional, taxpayers ended up paying legal bills for BOTH SIDES of the lawsuit, to the tune of at least $200,000.

Continuing our commitment to these principles, WEAC opposes Assembly Bill 386 because it is constitutionally unsound and impractical.

AB 386 is Most Likely Unconstitutional

Section 9 of AB 386 would create a new statute (11.30 (2m)) which would, among other things, require that an advertisement purchased by "a committee other than a political party or legislative campaign committee . . . include a statement spoken by the chief executive officer or treasurer of the committee containing at least the following: 'The . . . [name of committee], a political action committee, sponsored this advertisement [opposing or supporting] . . . [name of candidate] for . . . [name of office]."

This provision appears to based on a similar provision in a North Carolina law that was challenged in court. In North Carolina Right to Life, Inc. v. Leake (2000), the court enjoined the state from enforcing the law, concluding that it was unlikely to survive exacting constitutional scrutiny. The court concluded in part:

"This 'for-or-against requirement' compels political speech that an advertisement sponsor might otherwise wish to avoid. It therefore places a content-based restraint on core political speech . . . Because the statute involves a limitation on political expression subject to exacting scrutiny, it may be upheld only if it is narrowly tailored to serve an orerriding state interest."

"While the state has an important interest in maintaining and promoting the transparency of the political process, this disclosure seems unlikely to further this interest to any significant degree . . . The court finds that any minimal benefit of electoral transparency to be gained by this measure may not be justified by its means. Content-based, compelled speech raises First Amendment concerns even when only factual disclosures are mandated."

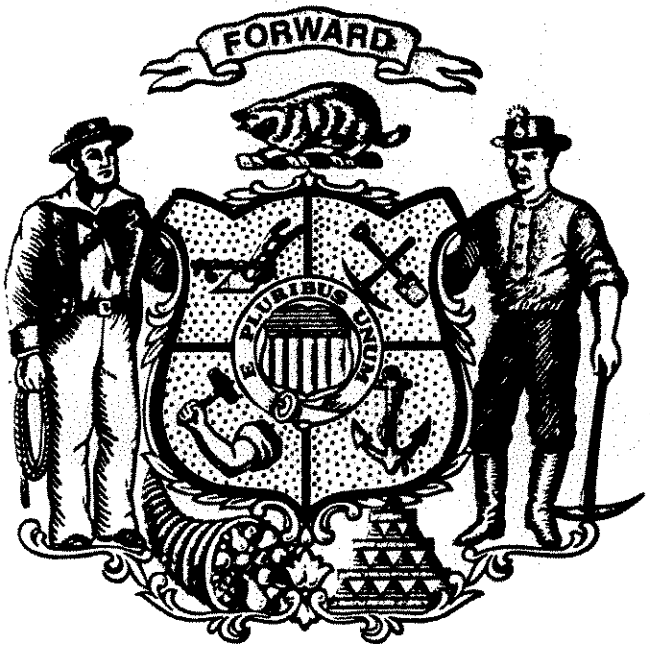
"Indeed, this provision has the potential of compelling a group without an opinion to invent one . . . For instance, a sponsor interested in the defeat of a particular candidate might pay for an advertisement naming more than one candidate running against that candidate, without holding any position as to which of these opponents should win office. The for-or-against requirement forces this sponsor to choose among the candidate's opponents or else refrain from placing the advertisement at all."

In the wake of the decision, the North Carolina Legislature voted to repeal the provision, rather than continue to fight for it. In short, the primary legal authority on this type of legislation reflects that it very likely violates the First Amendment.

A 386 is Impractical Because it Could Lead to Endless Litigation

AB 386 includes an enforcement provision (Section 11) allowing the offended candidate to pursue a private right of action against the advertiser, with potential damages, including: the total cost of the advertising; possibly treble damages; and possibly attorneys fees. This is impractical because it would most likely lead to endless litigation from losing candidates.

For these reasons, WEAC encourages you to OPPOSE Assembly Bill 386. We also stand ready to work with Rep. Pope-Roberts, Senator Erpenbach and other legislators to develop a campaign finance reform bill that is comprehensive, equitable, practical and respectful of the constitutional rights of Wisconsin citizens.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WISCONSIN LEGISLATIVE COUNCIL

Terry C. Anderson, Director
Laura D. Rose, Deputy Director

TO: REPRESENTATIVE STEPHEN FREESE

FROM: Robert J. Conlin, Senior Staff Attorney

RE: 2003 Assembly Bill 386, Relating to the Form of Certain Campaign Ad Disclosures and *North Carolina Right to Life v. Leake*

DATE: July 30, 2003 (Revised September 12, 2003)

You recently asked for a summary of the relevant portion of the holding in *North Carolina Right to Life v. Leake*, 108 F. Supp. 2d 498 (E.D. N.C. 2000), and the effect that holding may have on portions of 2003 Assembly Bill 386, relating to the form of certain campaign advertisement disclosures. This memorandum responds to your request.

NORTH CAROLINA RIGHT TO LIFE V. LEAKE

In *North Carolina Right to Life v. Leake*, the plaintiffs, a pro-life organization and various related political entities, filed suit in federal district court seeking an injunction against state enforcement of several aspects of North Carolina's campaign finance law. One portion of the law challenged required any campaign-related print or broadcast advertisement to include, among other things, a statement by the sponsor of the advertisement on its position for on or against the candidate if the advertisement supports or opposes the election of one or more clearly identified candidates.

The court provided an example of what the challenged law required:

> [The provisions of the law] specify the format of the disclaimer for broadcast advertisements; for instance, a NCRL television advertisement would include a spoken statement such as, "The North Carolina Right to Life political committee sponsored this ad supporting John Smith for Governor."
>
> [*North Carolina Right to Life v. Leake*, 108 F. Supp. 2d 498, 511 (E.D. N.C. 2000).]

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http://www.legis.state.wi.us/lc

The court initially noted that this "for-or-against" requirement has the effect of compelling political speech that an advertisement sponsor might otherwise wish to avoid. Accordingly, the court reasoned that this requirement places a content-based restraint on core political speech. [*North Carolina Right to Life v. Leake*, 108 F. Supp. 2d at 512.] As such, the court noted, the provision would be subject to exacting scrutiny and would only be upheld if the requirement is narrowly tailored to serve an overriding state interest. [*Id.*]

To defend this component of the statute, the state argued that the provision was necessary to open the basic processes of the election system to public view. The court acknowledged that this argument was deemed sufficient by the U.S. Supreme Court in *Buckley v. Valeo*, 424 U.S. 1 (1976), to justify minimal disclosure requirements for independent expenditures made on behalf of a candidate. [*Id.*] However, the court concluded that in this case, the required disclosure was unlikely to further the state's interest to any significant degree because the law already required advertisement sponsors to identify themselves. This compelled disclosure of a group's opinion, the court noted, could not withstand constitutional scrutiny as freely expressed opinions hold a central role in a democratic system. [*Id.*] In addition, the court pointed out that the provision at issue could force a group subject to the law to invent an opinion:

> For instance, a sponsor interested in the defeat of a particular candidate might pay for an advertisement naming more than one candidate running against that candidate, without holding any position as to which of these opponents should win office. The for-or-against requirement forces the sponsor to choose among the candidates opponents or else refrain from placing the advertisement at all. [*Id.* at 513.]

Because the concerns over free speech were significant and because the state's informational interest were, in the court's opinion, weak, the court enjoined the state from enforcing the provision. [*Id.*]

2003 ASSEMBLY BILL 386

Assembly Bill 386, introduced by Representative Pope-Roberts and others, and cosponsored by Senator Erpenbach and others, was the subject of a public hearing before the Assembly Committee on Campaigns and Elections on July 24, 2003. At that hearing, the Wisconsin Education Association Council (WEAC) submitted written testimony opposing the bill and noting that one of the bill's provisions was similar to the North Carolina provision that was enjoined in the case discussed in the previous section of this memorandum.

Generally, the bill* prohibits a person from purchasing or incurring an obligation for an advertisement unless, among other things, the person states in the advertisement the person's position for or against the candidate if the advertisement supports or opposes the nomination or election of one or more clearly identified candidates. (A similar provision applies if the advertisement supports or opposes a question at a referendum if the advertisement is run by a committee.) [See SECTION 9 of the bill.]

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* For a complete description of the bill, see the analysis of the bill prepared by the Legislative Reference Bureau.

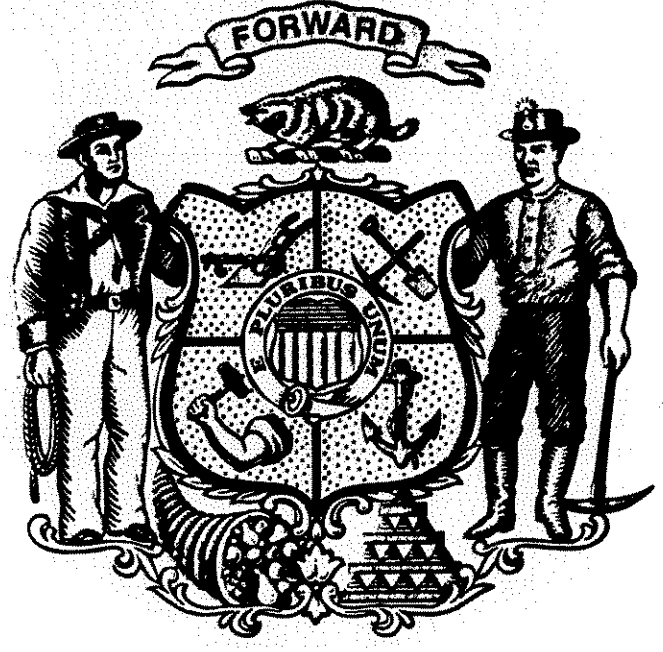
For example, if the advertisement is purchased by a committee other than a political party or legislative campaign committee, the advertisement must include a statement spoken by the chief executive officer or treasurer of the committee containing at least the following: "The … [name of committee], a political action committee, sponsored this advertisement, [opposing or supporting] … [name of candidate] … for … [name of office]." A similar statement is required if the advertisement is purchased by an individual or by a political party. [See s. 11.30 (2m) (d) 3., 4., and 5., as created by the bill.] In addition, the bill requires such advertisements to include a statement indicating who paid for the advertisement. This latter requirement is similar to sponsorship attribution requirements under current law.

It appears from the drafting file, and from the language of the bill itself, that the bill's provisions were based upon the North Carolina law at issue in *North Carolina Right to Life v. Leake*. The requirements contained in the bill requiring the announcement of a sponsor's support or opposition to a candidate are nearly identical to the provisions at issue in the North Carolina case. Thus, a court might be inclined to take the same approach the federal court did in the North Carolina case. However, it is noted that the North Carolina case is not binding in Wisconsin and that there do not appear to be any cases ruling on such a provision that are binding in Wisconsin. Accordingly, it is possible that a court might characterize the bill's "for-or-against" provision as not being a content-based restriction on core political speech, or it might find that the state has a sufficiently compelling reason to require this particular type of disclosure. In any event, if the bill were enacted, it is likely that affected individuals or committees would urge the court to follow the North Carolina case.

You may wish to consider whether the "for-or-against" provisions of the bill are essential to the bill's intended purpose, or whether there are other means of obtaining the type of information sought to be obtained by this provision.

I hope the information in this memorandum is useful. If you have additional questions, please feel free to contact me at the Legislative Council staff offices.

RJC:tlu;ksm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Griffiths, Terri

From: Conlin, Robert
Sent: Friday, September 12, 2003 10:45 AM
To: Griffiths, Terri
Subject: RE: Elections Exec

Your amendment basically does the following:

1. Says you can't use a **motor vehicle** owned by the **state or a local unit of government** for any purpose that INCLUDES campaigning.

2. Says you can't use a **state aircraft** for a purpose that is EXCLUSIVELY campaigning.

3. Says that if you use a **state aircraft** for a purpose that includes campaigning, you must pay the entire cost of the aircraft.

Is that what he wanted?

Bob

-----Original Message-----
From: Griffiths, Terri
Sent: Friday, September 12, 2003 10:23 AM
To: Conlin, Robert
Subject: RE: Elections Exec

<< File: 03a08851.pdf >> Steve had this amendment drafted to AB 333...could you take a look at it. Steve wanted the amendment to require full payment for a trip in which both government and political "work" was done while using a state plane or vehicle. Steve had a concern about the phrase on page 1 line 9 "which is exclusively" thinking that only if they use the state vehicle or plane for the exclusive purpose of campaigning did they have to pay. They generally don't do that - they usually link up job related and political in one trip. Jeff told me that if he removed that phrase we would be back to the original bill. HELP!

I've not seen any other amendments and don't know if others are forthcoming. This is the only one Steve had issue with that he referred to when I asked him.
Thanks,
Terri

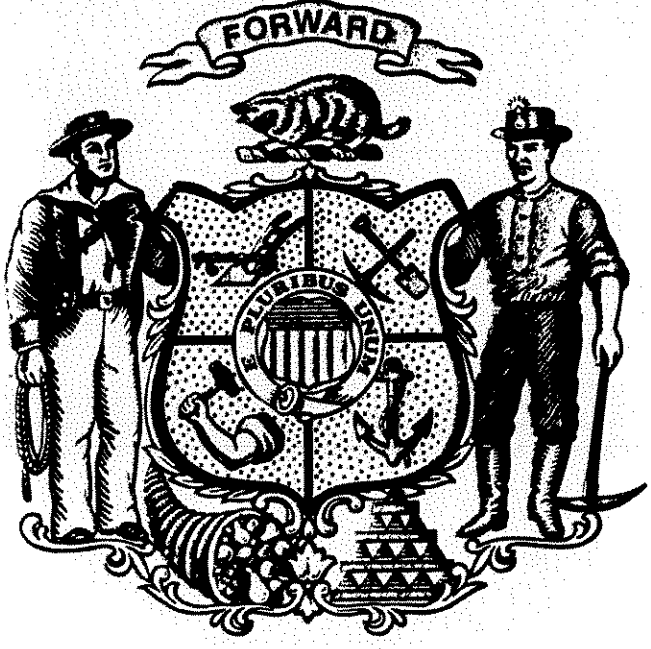
-----Original Message-----
From: Conlin, Robert
Sent: Friday, September 12, 2003 10:10 AM
To: Griffiths, Terri
Subject: Elections Exec

Hi, Terri:

I notice that there are no amendments introduced yet to any of the bills we are scheduled to exec on next week. Do you know if there will be any and whether I'll be able to get my hands on them before the exec? Not a big deal, but I figured since I actually have some time to prepare, I thought I'd check.

Have a good weekend.

Bob Conlin
Senior Staff Attorney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E PLURIBUS UNUM

Common Sense

Newsletter of Common Cause In Wisconsin

Vol. 6, No. 2 Summer 2003

Reform Legislation Front and Center This Fall

Immediately after last November's election, CC/WI--together with Sen. Mike Ellis (R-Neenah) and Sen. Jon Erpenbach (D-Middleton)--urged Governor-elect Jim Doyle and the new leadership of the Wisconsin Legislature to make reform the number one order of business in early 2003 in the wake of the biggest political scandal in Wisconsin's history. Doyle, who campaigned on cleaning up the mess in Madison and against then-Senate Majority Leader Chuck Chvala (D-Madison) and Assembly Speaker Scott Jensen (R-Brookfield), instead chose to delay reform and concentrate on the budget deficit. Likewise, new Senate Majority Leader Mary Panzer (R-West Bend) promised CC/WI that reform would be considered, but not until the Fall of 2003 after consideration of the state budget was completed. New Assembly Speaker John Gard said he recognized the clamor and perhaps even the need for reform but indicated that it was clearly not a priority of his. We now know that one reason reform has been delayed was so legislators could engage in unprecedented fund raising while the budget was in play in order to maintain maximum leverage to shake down special interest groups and others for campaign contributions. CC/WI has determined that more legislators held fund raising events during consideration of the 2003-2004 budget than in any previous budget session despite the fact that the legislative caucus scandal and the downfall of Chvala, Jensen, and ex-Senate Joint Finance Chair Brian Burke (D-Milwaukee) was due in large part to this state budget "quid pro quo" fund raising activity during budget sessions. In May, CC/WI called on all legislators and statewide elected officials to postpone such fund raising events and indeed, all fund raising until completion of the state budget and some legislators did cancel and suspend their fund raising. But many others plunged ahead with Speaker Gard, in particular, utilizing the budget process as a vehicle to collect campaign cash from special interest groups like the Wisconsin Road Builders and others who had a big stake in the budget process. The Legislature--which comes back into session in late September--will have to contend with reform. Front and center for consideration will be two important pieces of legislation which CC/WI has played a large role in developing and promoting and which we strongly support.

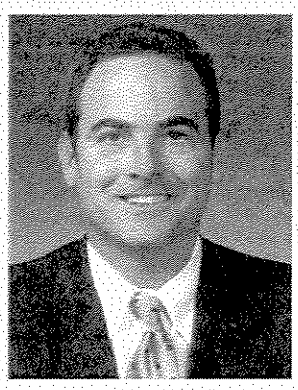
"...the time for excuses and delay is at an end. It's time for them to deliver on their promise."

The sweeping, comprehensive campaign finance reform legislation developed by Ellis, Erpenbach and CC/WI, Senate Bill 12, is the better known measure. But we will also be pushing for consideration of another critically important reform measure, Senate Bill 11, which would completely overhaul and combine the currently ineffective state ethics and state elections boards and then provide this much stronger state watchdog agency with real investigative power to discover and root out corruption in state government.

The almost complete capitulation of the state ethics and state elections boards to legislative leaders during the caucus scandal two years ago demonstrated just how ineffective these government agencies have become. In June of 2001, CC/WI called on both entities to look into allegations of misconduct by legislative leaders brought to light in a series of articles that appeared in the *Wisconsin State Journal*.

(Continued on Page 3)

Sen. Mike Ellis



Sen. Jon Erpenbach

Significant Reform Victories for CC/WI and for Wisconsin

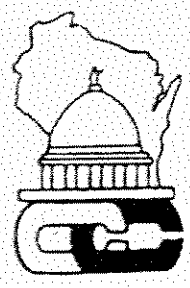
Far too often, the news out of the Capitol dome in Madison corroborates 18th century British political theorist and politician Edmund Burke's statement of more than two centuries ago: "Neither liberty nor property is safe when the legislature is in session." But every once in a while there is some good news. Earlier this year, two important and long overdue reforms that Common Cause in Wisconsin (CC/WI) had been leading the fight for were finally achieved: a resolution of the legislative caucus scandal legal fees matter and the elimination of the State Senate "Shadow Caucuses." The articles on page 2 provide the details. ¤

CC/WI Legal Fees Lawsuit Settled as Legislative Leaders Agree to Reimburse Taxpayers

CC/WI had been leading the fight to end the payment with taxpayer dollars of the legal fees–now close to $700,000–for well over a year, since former Governor Scott McCallum denied then-Attorney General and now Wisconsin Governor Jim Doyle needed authorization to go to court to sue to stop the payments in November, 2001. On December 6, 2001, CC/WI filed a taxpayer lawsuit in the Dane County Circuit Court to end the payments to attorneys for legislators and staff under criminal investigation in the legislative caucus scandal on the grounds that such payments were in violation of the Public Purpose Doctrine of the Wisconsin Constitution. On October 8, 2002, Dane County Circuit Judge David Flanagan dismissed our suit–not because he believed that the payment by the state of the attorney fees served a public purpose–but rather, because he determined that the Wisconsin Legislature had the power to authorize such payments, no matter how ill-advised and wrong they might be. But on November 21, 2002, CC/WI filed to appeal Judge Flanagan's decision in the District 4 Wisconsin Court of Appeals, an appeal we felt we could win.

On January 31st, Attorney General Peg Lautenschlager, together with Senate Majority Leader Mary Panzer (R-West Bend), Senate Minority Leader Jon Erpenbach (D-Middleton) and Assembly Speaker John Gard (R-Pestigo)announced an agreement which basically accomplished all that CC/WI was seeking to accomplish in its lawsuit, namely to set up a formal mechanism to force any legislator or staffer convicted in the caucus scandal investigation to pay back any fees paid by the state and to formally stop state payments to the attorneys of anyone charged in the case and acknowledge that the payments made to any legislator or staff convicted are in violation of the Public Purpose Doctrine of the Wisconsin Constitution. Stopping the payment of the legal fees "up-front" as Doyle had advocated through the application of an existing state statute that denies such payments to all other (non-legislative) employees was deemed untenable by Lautenschlager and by the other attorneys in the Department of Justice as well as by CC/WI's lead attorneys, Bruce Ehlke and Aaron Halstead of the firm Shneidman, Hawks & Ehlke when we filed suit in December of 2001. Lautenschlager and Erpenbach consulted with CC/WI extensively in the process leading up this settlement and we agreed to drop our appeal as a result of the most favorable outcome that we could have hoped for under the circumstances.

CC/WI is deeply indebted to Ehlke and Halstead for developing this legal theory which provided the basis for the settlement agreement. Had CC/WI not filed suit and kept this matter in the public arena for more than 14 months it is safe to say that the total payments of taxpayer funds for legal fees for legislators and staff–approaching $1 million--would have been much higher and that such payments would have continued unabated indefinitely. CC/WI was proud to have been able to make a real difference in how scarce taxpayer dollars will be utilized in the future with regard to the reimbursement of attorney's fees for legislators and legislative staff. ¤



Common Sense
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Jason Socha - Layout & Technology
Tim Damos - Intern
Sophie - CC/WI Schnauzer

Senate Leaders Relent and Finally Eliminate "Shadow" Caucus Staffs

Another significant reform victory for CC/WI earlier this year occurred with the elimination of the State Senate "shadow caucuses" (a term coined by CC/WI in October of 2001), when Senators Panzer and Erpenbach agreed to strip the six positions each that had been essentially part of their staffs since the legislative caucuses were dissolved in October, 2001. In that infamous agreement, legislative leaders said they were eliminating the four partisan caucuses but in reality they dissolved them only partially. 12 of the Senate caucus positions were "shifted" to the control of the Senate Majority and Minority Leaders, thus constitution the "shadow" caucuses." The Assembly, sensibly and with CC/WI's strong backing and support, voted not to add shadow caucuses on October 17, 2001 and all reports since that time indicate that the Assembly has not missed nor needed those extra staffers. CC/WI and reform leader, Sen. Mike Ellis (R-Neenah) led an effort to strip the shadow caucuses from the State Senate in October 2001, but it was defeated by then Senate Majority Leader Chuck Chvala and then Senate Minority Leader Panzer. But CC/WI had been clamoring for their elimination ever since that time and had continually raised the matter in the Legislature and with editorial boards all over Wisconsin, who strongly supported our position in this matter

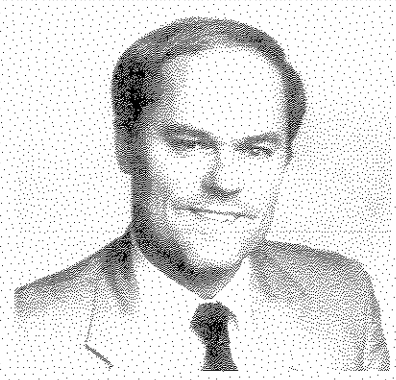
Finally relenting to this persistent pressure earlier this year, Senator Panzer, joined by pro-reform and new Senate Democratic Leader Jon Erpenbach of Middleton, moved to eliminate the shadow caucuses in the Senate saving taxpayers hundreds of thousands of dollars. CC/WI was very pleased to have been able to effect the complete elimination of the legislative caucus staffs, which we first proposed back in 1997. ¤

Reform Legislation

(continued from page 1)

Instead of investigating possible criminal wrongdoing–and giving the public, the press and CC/WI the impression that they were doing so--they instead opted, in secret, not to investigate–probably because they were intimidated by legislative leaders to not get involved. By doing so, they abdicated their responsibility to the citizens of Wisconsin. This, in turn, likely delayed and strung out the caucus scandal investigation by the district attorneys of Dane and Milwaukee Counties because of the lack of assistance by the state ethics and elections boards.

A strong and effective state ethics and elections oversight agency is critical to enforcing any new campaign finance laws that may be enacted. The primary sponsors of Senate Bill 11 are–not surprisingly–Sen. Mike Ellis and Sen. Jon Erpenbach, together with one of the Wisconsin Legislature's strongest proponents of reform and for integrity in state government, Sen. Robert Cowles (R-Green Bay). One recent and very positive development for campaign finance reform is the fact that the U.S. Supreme Court will now likely rule early in their Fall term on the constitutionality of the federal McCain-Feingold legislation which will provide us with some guidance on what we can and cannot do to with regard to state campaign finance reform. The Ellis-Erpenbach measure, Senate Bill 12--which does far, far more than McCain-Feingold in terms of reform--contains provisions dependent on the high court's ruling on the federal legislation. But in any event, as Sen. Erpenbach has said, we must move ahead with a reform package and there is absolutely no reason for delay. Even so, Sen. Panzer has said she wants to wait until the high court rules on McCain-Feingold before considering Senate Bill 12 but we hope to be able to convince her otherwise. CC/WI believes that there is a very good chance that the U.S. Supreme Court will uphold all of the important provisions of McCain-Feingold in light of their decisive 7 to 2 June 16th ruling upholding the ban on corporate and labor union contributions to federal campaigns.



Sen. Robert Cowles

Leadership and cooperation by Governor Doyle, Senate Majority Leader Panzer and Speaker John Gard will be required in order for meaningful reform to occur. These are the new leaders who said they would offer Wisconsin a different way of doing the people's business in Madison and promised us "a new beginning." We are still waiting for them to begin. With the budget finally completed, the time for excuses and delay is at an end. It's time for them to deliver on their promise. □

Citizens Should Care About Who Controls the Media

By Tim Damos & Jay Heck

On June 2nd, the Federal Communications Commission ignored the deafening protests of hundreds of thousands of Americans who objected to changes proposed by Chairman Michael K. Powell to relax long-standing media ownership rules. The commission voted 3 to 2, along party lines, to dramatically alter the way Americans will get their news and information in the future.

Fortunately, the battle is far from over. A move is afoot in Congress to reverse parts of the FCC's decision that could significantly reduce the free flow of ideas and information within our society.

A fair and diverse media is absolutely essential to the survival of our democracy. In an age when money-hungry media giants are replacing real news with mindless "shock" stories, citizens must stand up and tell their government enough is enough.

Here's how this started: Every two years the FCC is supposed to reevaluate it's telecommunication rules to assure they benefit the public interest. But the June 2nd vote accomplished just the opposite. By clearing the way for a handful of huge media corporations to control most of what Americans see and hear, the FCC is guaranteeing a dramatic reduction in the diversity of voices and ideas on the airwaves that are so critical to a healthy democracy.

Common Cause, the citizens reform advocacy group, played a major leading role in an unprecedented grass-roots campaign to dissuade the FCC from changing the rules. Prior to the vote, citizens flooded the FCC with nearly a million communications, almost all opposing the rules change. Since June 2nd, Congress has received hundreds of thousands of messages from citizens urging lawmakers to roll back the rules.

Wisconsin's Democratic U.S.Senators, Russ Feingold and Herb Kohl, have taken a strong stance against the FCC's ruling as have many prominent Republican senators such as John McCain of Arizona and former senate majority leader Trent Lott of Mississippi.

Kohl said, "Unfortunately, as a result of this decision, many of Wisconsins' citizens may be left with only two or three major sources of information in the news media." He's right. Already, in Milwaukee, one company, Journal-Sentinel, Inc., owns that city's only daily newspaper and its largest television station, WTMJ-TV, as well as its largest AM radio station, WTMJ-Radio.

"the FCC is guaranteeing a dramatic reduction in the diversity of voices and ideas on the airwaves that are so critical to a healthy democracy."

The FCC decision dropped a 28-year-old ban on newspapers owning television or radio stations in the same city--so that there will likely be much more media consolidation all over Wisconsin. The Journal-Sentinel was "grandfathered" under older rules so that they were not effected by that ban which this new FCC decision changes. The decision will also allow one

(continued on Page 4)

Media Ownership

(continued from page 3)

company to own local television stations that collectively reach almost half of all U.S. viewers and a loophole in the law could actually result in a single company being able to reach 80 to 90 percent of the national audience.

Despite this dire scenario, all is not lost. There is still hope that the FCC's reckless attempt to put more media power in fewer hands can be reversed. The U.S. Senate Committee on Commerce, Science, and Transportation voted on June 19th to throw out some of the FCC"s new rule and reverse others.

The Committee adopted a measure sponsored by U.S. Senators Ted Stevens (R-Alaska) and Ernest F. Hollings (D-S.C.), Senate Bill 1046, that would set back the allowable percentage of the nation"s viewers one company could reach from 45 percent back to 35 percent. It would also restore the rules governing ownership of newspapers and radio or television stations in the same city. This legislation is the first step towards sending the message to giant media moguls (as well as our own government) that we want, and need, diversity in our media.

The FCC is supposed to work for the public interest. Instead, they are acting as the guardians of wealthy special interests who are attempting to undermine democracy in this nation. We must not just sit idly by and let this stand. Democracy is too precious and too important not to act.

* * *

Tim Damos, an intern for Common Cause In Wisconsin, is also a senior at UW-Stevens Point majoring in mass communications and political science. Jay Heck is the executive director of CC/WI. This article originally appeared in a number of Wisconsin newspapers including the *Wisconsin State Journal* and the *Stevens Point Journal*. ¤

"Only two things are important in politics. The first is money. And I can't remember the second."

--Mark Hanna, an Ohio industrialist and U.S. Senator who is widely credited with selecting and financing the Presidential campaign of William McKinley in 1896.

Can Reform Finally Occur This Fall?

By Bill Kraus

On a radio talk show about Wisconsin politics and state government recently, I was hit with the following, frustrating question:

The caller asked, "What will happen with Campaign Finance Reform this year?" The short answer is, of course, what always happens with campaign finance reform: nothing. So what happened? This seemed such a hot, winning issue a few months ago. Senators Ellis and Erpenbach joined forces to sponsor a bill revered by the forces of reform. The public disgust with the negative, expensive campaigns of 2002 which featured mostly simplistic TV ads was high. The so-called rascals who had abused their power to raise money had been thrown aside if not out. All the ducks, well almost all the ducks, seemed to be in a row.

But they weren't. One of the ducks was never close to alignment. The Assembly Republicans led by John Gard were somewhere between stubbornly and adamantly against any idea that put general purpose revenue into political campaigns [a crucial ingredient of any reform]. As the power realigned the other ducks began to stray as well. New Senate Majority Leader Mary Panzer, always a reluctant dragon, joined John Gard in saying that reform would have to wait until after the budget was passed. Governor Doyle ran against corruption [and presumably for reform] and differentiated himself from Barrett and Falk by attacking Chvala and Jensen and promised to clean up the Capitol and to bring about "a new day" in Wisconsin if he was elected. By tacitly agreeing with the Panzer Gard scheduling priority he in effect, if not in fact, postponed the dawn of that promised new day.

As the legislative year has played out postponement has turned into what the reformers feared it really was, a kinder, gentler way of saying "you can kiss reform goodbye." Senator Ellis's committee had hearings on SB12, the reform bill. But when it became clear that the new Co-chair of Joint Finance Alberta Darling had also lost her mild enthusiasm for reform too, Mike Ellis delayed reporting the bill out [for which he has the votes] and sending it on to her committee for action because he knew what the action was likely to be.

While the budget process is still running, it is in its last stages, and all of those leaders who told the reformers to wait their turn are quietly preparing to finish off their not so notable work on the state's finances and go home to declare victory over something. Something other than reforming a corrupting campaign system anyway. Unless, of course, the age of miracles has not really passed and we have a September surprise where Gard, Panzer and Doyle (or their designees) sit down with Ellis and Erpenbach where all agree to the Mafia scenario "nobody leaves the room until the problem is solved." "Could this happen?" the caller asked.

"Yes, but it is even more up to you to make it happen than it is to the crowd in the Capitol." I told the caller. "If you make it known that you care enough then they will finally begin to care too and reform will get done."

* * *

Bill Kraus is the Co-Chair of CC/WI and is also a member of the National Governing Board of Common Cause. He was the Press Secretary to Governor Lee Sherman Dreyfuss (1979-83) and was a long-time political strategist. ¤

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